

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested. No claims have been cancelled, amended, or added.

Claims Rejections - § 103

Okita v. Spears

The Examiner has rejected claims 1 and 15 under 35 USC 103(a) based on US Patent No. 6,657,748 (hereinafter "Okita") in view of US Published Patent Application No. 2002/0140996 (hereinafter "Spears"). This rejection is respectfully traversed.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness there must be some suggestion or motivation to modify or combine reference teachings (In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)) which must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In addition, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also MPEP MPEP §§ 2142 and 2143. It is submitted that the cited references do not meet these criteria, as discussed below.

It is noted that both independent claims 1 and 15 recite "a set of calibration photosensitive devices, located at two sides of the set of scan photosensitive devices to obtain a set of calibrated images by detecting the calibration boards". It is submitted that Okita does not disclose or suggest this feature (as asserted in the Office Action) and that Spears does not cure this deficiency. In particular,

the Examiner asserts that the photodiodes (201A of fig 2) shown in Okita disclose this feature, but this is not the case.

It is noted that according to the Okita document, the photodiodes (201A) form part of the so-called "CIS" (contact-type image sensor) that reads the surface of the original document. See Okita col. 9, lines 53-56; col. 10, lines 24-28. Thus, the photodiodes which the Office Action alleges constitute "a set of calibration photosensitive devices" merely constitute conventional "scan photosensitive devices" used to scan an original document. As the Spears reference is similarly silent with respect to a set of calibration photosensitive devices, as opposed to conventional scan photosensitive devices, it is submitted that this feature of claims 1 and 15 is missing from the cited documents.

Contrary to the Examiner's assertion, neither Okita nor Spears discloses a "set of calibration photosensitive devices" in combination with a "set of scan photosensitive devices" as recited in independent claims 1 and 15. Thus, neither Okita nor Spears, either alone or in combination, teaches all of the elements recited in the claims. It is noted that many other bases for traversing the rejection exist as well, such as lack of suggestion or motivation to combine, and/or expectation of success. It is therefore respectfully requested that the obviousness rejection of claims 1 and 15 be withdrawn.

Claims Rejections - § 102

Okita

The Examiner has rejected claim 15 under 35 USC 102(e) based on Okita. As discussed above, claim 15 recites a set of calibration photosensitive devices, at one side of the set of scan photosensitive devices, which feature is not disclosed by Okita. In fact, a text search of the patent to Okita, obtained from the USPTO website, was performed, and neither the word "calibrate" nor the word "calibration" were found in the Okita patent. Assignee notes that,

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (Emphasis added). MPEP § 2131.01

The identical invention must be shown in as complete detail as in the . . . claim. (Emphasis added). MPEP § 2131.01

Since Okita does not disclose the identical invention and all of the elements as recited in at least independent claim 15, including "a set of calibration photosensitive devices, at one side of the set of scan photosensitive devices to obtain a calibrated image by detecting the calibration board; and an image processor, to extract and compare the calibrated image to adjust the scanned image", the patent to Okita does not anticipate claim 15 and its dependent claims. Again, additional bases for traversing the rejection exist in addition to the above basis.

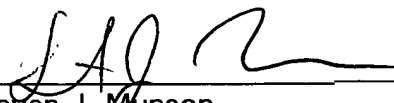
CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all of the claims is respectfully requested.

Respectfully submitted,

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